

**Call to Order:**

The meeting was called to order at 7:30 p.m. Present were Vice Chair, Vincent Chiozzi, members Jay Doherty, Eric Macaux, Lelani Loder and associate member Zach Bergeron; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

**Katsikis Estates:**

The Board opened the public hearings on an application by James and Tasia Katsikis for a Definitive Subdivision named Katsikis Estates, as prepared by DK Engineering Associates, Inc. for a two (2) lot subdivision to be located at 11 Ballardvale Road. Dan Koravos of D.K. Engineering Associates, Inc, representing the applicants, gave an overview of the proposed subdivision. The property consists of 2.08 acres in the SRB Zoning district. Mr. Koravos gave a description of the soils on the site and explained their rank for infiltration as well as a review of the drainage patterns and wetland areas on the property. The wetlands were delineated by Norse Environmental, and the site was walked with Bob Douglas, Conservation Director. From the delineation, the house proposed for Lot 1 will have to move a couple feet from the current plans. In constructing the right of way for access to Lot 1, the existing garage on Lot 2 will be within the setback so it will be removed. There are water and sewer lines in Ballardvale Road that the existing house on Lot 2 is connected to. A gravity sewer line and a water line will be run to Lot 1 from Ballardvale Road. A fire hydrant that is 180 ft east of the proposed access needs to be reviewed by the Fire Department to see if it will be adequate. The site is exempt from the MassDEP Stormwater Management standards because there will be less than four lots in the subdivision and there is no discharge to a critical area. It is also exempt from the Stormwater Management and Erosion Control regulations because the earth disturbance is less than one acre. The site does, however, comply with these regulations by mitigating the increase in runoff through the use of infiltration trenches along the roadway and near the upper portion of the driveway. Mr. Koravos explained in detail the waivers that were requested for the turn radius on the right of way, the minimum pavement width of a local street and the minimum road crown of a local street. Mr. Koravos stated that he is currently making changes to the plan to address all of the comments made during the IDR, most of which were requests for additional information. He is working on addressing the ESS Group's peer review letter, which contained comments mostly about the Stormwater Management and Erosion Control Bylaw, from which this project should be exempt. The Board of Health has already voted to recommend that the Planning Board approve this subdivision with conditions. Ms. Loder asked if the house on Lot 1 will still meet the side set back if it is shifted based on the wetlands delineation. Mr. Koravos answered that the building could be moved approximately 10 feet while still meeting the set back of 25 feet. Ms. Byerley reviewed comments made during the IDR that was held on November 19<sup>th</sup>. The Conservation Commission was going to flag the land and a Notice of Intent will be required. The DPW requested additional information on the infiltration trench detail and requested that the plan show the sewer connection to 11 Ballardvale Road and the back water valve to the new house. They also asked for an additional waiver for the cul-de-sac and that an Operations and Maintenance plan be submitted. The Building Department wanted to verify the frontage of 9 Ballardvale Road because a small piece of land is going to be taken from this property to ensure that 11 Ballardvale Road still meets the frontage requirements. If approved, the trucking route would have to be through South Main Street and the nonconforming garage at 11 Ballardvale would have to be razed prior to either the sale of the lot or the start of construction. Ms. Byerley will verify with the Fire Department that the existing hydrant location is acceptable, as well as

**Katsikis Estates (cont'd):**

the width and location of the driveway. Mr. Koravos stated that the applicant owns both #9 and #11 Ballardvale Road, and in order to have the proper frontage on Lots 1 and 2, an ANR Plan will have to be recorded giving some land from #9 to #11. Deborah Properzio, of 15 Ballardvale Road, a direct abutter, stated that she is concerned about the drainage on to her property. She has lived at her address for twenty five years and in recent years there has been a change in the runoff pattern, and water now collects in the southwest corner of her property causing it to be wet year round. The water department has visited twice to verify that it is due to runoff and there is not a pipe leaking on her property. Since the road was repaved in the last few years there are cracks in the road with water seeping out. She asked Mr. Koravos about the waiver he is requesting to replace the roadway crown with a cross slope. Mr. Koravos explained that instead of the roadway crowning, it will slope to allow any runoff to flow into the proposed trench located next to the right of way. Ms. Properzio asked for an explanation on how the trench will work. Mr. Koravos explained that the infiltration trench will have steps leading down to it so that the runoff is more natural and additional storage can be provided in the trench. She then asked if there will be standing water in the trench. He explained that water will run to the stone trench and will sit there only while it infiltrates into the ground. Mr. Chiozzi suggested that the runoff towards Ms. Properzio be added to items for the peer reviewer to take a closer look at. Ms. Properzio asked about drainage in the back of the property. Mr. Koravos indicated that a patio in the back of the house will have impervious pavement which will help with drainage. The design will allow for better infiltration and better drainage. Ms. Byerley noted that, pre-development, a bulk of the runoff goes to the back of the property. Donalda Secor, of 14 Ballardvale Road, asked about the amount of fill that would be put into the property and what it will be used for. Mr. Koravos answered that 15.25 c.y. of fill will be brought in to be able to build above the requisite 2 ft above the water surface elevation. The road will also have to be raised slightly to meet the raised house. The steepest slope of the road will be 4.5%.

On a motion by Mr. Macaux, seconded by Mr. Doherty, the Board moved to continue the public hearing on an application by James and Tasia Katsikis for a Definitive Subdivision named Katsikis Estates as prepared by DK Engineering Associates, Inc. for a two (2) lot subdivision located at 11 Ballardvale Road to December 11, 2012 at 8:00 p.m. **Vote:** Unanimous (4-0)

**Christian Way Bond Reduction:**

On a motion by Ms. Loder seconded by Mr. Macaux the Board voted to approve the reduction of the performance guarantee to secure the proper construction and completion of the services and ways to \$94,000.00 as recommended by the Department of Public works in a memo dated November 19, 2012, and approve the reduction to a zero balance for the performance guarantee held to secure the off-site improvements of a sidewalk along River Road as recommended by the Department of Public Works in a memo dated November 19, 2012 for the Christian Way/Merrimack Estates Subdivision. **Vote:** Unanimous (4-0)

**Atria Marland Place:**

The Board opened the public hearings on an application by Atria Senior Living, Inc. for Site Plan Review for a 625 s.f. 4<sup>th</sup> Floor Deck at Atria Marland Place, 15 Stevens Street. Bob Lavoie of Johnson and Borenstein, representing the applicant, gave an overview of the application. Peter

**Atria Marland Place (cont'd):**

Schmidt of EGA Architects reviewed the property and the technical aspects of the proposed deck. The exterior deck will be 25x25 ft on the fourth floor of the building. There will be four footings with columns 32 ft above the ground, and it will extend from the 4<sup>th</sup> floor and be surrounded by a privacy fence. The deck will be about 400 ft from the nearest property line, and the property is heavily wooded so no abutters will be able to see the deck. Jim Lane, from Atria informed the Board that this deck will serve residents on the 4<sup>th</sup> floor with early-stage dementia to provide them the opportunity for sun and fresh air in a secure environment. It is not practical to bring these residents down to the first floor. Ms. Byerley reviewed her memo to Board and let them know that the applicant had to come before the Board because any addition, 2,000 s.f. or less needs to come before the Board for Site Plan Review. An IDR was not held, but the application was submitted to all departments for comment, and there were none. The Conservation Commission has determined that they do not have to apply with them. Ms. Byerley went over the considerations of the Board in regard to a Site Plan Review. Based on the information provided, the project meets all of the considerations.

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board moved to grant a Site Plan Certificate of Approval to Marland Place to construct a 625 s.f. 4<sup>th</sup> floor deck as shown in the application for site plan review submitted on November 5, 2012 by Atria Senior Living, Inc.

**Vote:** Unanimous (4-0)

**Town Yard Update:**

Mr. Materazzo gave an update to the Board on the relocation and redevelopment opportunities that the Board of Selectmen is focusing in on for the current Town Yard on Lewis Street. The Selectmen have scheduled a joint meeting with the Planning Board for Monday, December 10<sup>th</sup> at 7 p.m. as a working session with the two Boards, the Cecil Group, the Town Manager, Planning Director and others. This is an opportunity for the Board to frame the quality, characteristics and density of what they see as appropriate for the current Town Yard site. The group will be walked through a series of exercises to try to draw out what they would like to be seen at that location. A community meeting is anticipated to be held on January 8<sup>th</sup> to reintroduce this project to the Town. Mr. Materazzo gave a PowerPoint presentation on the data and information that has been gathered on the Town Yard over the last five years. Weston & Sampson identified that a minimum of 7 acres would be required to accommodate a Town Yard Facility. Recently, the Board of Selectman lowered that number to 5 acres. The current Town Yard site consists of 3 acres. It was also estimated in 2011 that to build a new Town Yard would cost approximately \$16 million. In 2009 the Board came up with a new zoning plan for the area surrounding the Town Yard to encourage redevelopment. A number of area residents have attended various meetings and are very excited about redevelopment opportunities. Some have even called to see if the Town would be interested in buying their properties, or to ask advice about selling their property to a developer. The Selectmen are committed to having a solution for the Town Yard at this spring's Town Meeting. If the Town Yard will be relocated, the proper zoning needs to be in place for a developer to be able to build based upon a community vision of the area. The Board discussed the cleanliness of the current site and the repercussions of the Town having to do a remediation. Mr. Macaux asked if the Town has done a tax analysis. Mr. Materazzo answered that in 2011 the 3 acres were appraised at \$2.5-\$3.7 million. With a conservative development, the Town would bring in about \$560,000 in taxes each year. There

**Town Yard Update (cont'd):**

are two pieces that the Board of Selectmen is planning to go forward with at Town Meeting. Assuming the Town can identify a suitable relocation property, the first piece would be acquiring that property, and the second would be the zoning piece, either a 40R or something else. Mr. Macaux asked if there was any idea of what the cost savings would be on O&M if a new facility is built. Mr. Materazzo answered that he could ask Plant and Facilities to have that information ready for the joint meeting. Mr. Bergeron asked if the potential for a land swap would be part of the RFP process. Mr. Materazzo answered that Town Counsel has let them know that they cannot do a formal land swap because it causes different predicaments in terms of an RFP. A person may have a great building location, but they may not be the best mixed use developer so the Town is wary of giving this important piece of land to someone who does not do the type of development that Town is hoping for in that area. Mr. Materazzo noted that if done correctly, this could influence opportunities or redevelopment at Dundee Park and Railroad Street.

**Improvement of a Private Way:****Cider Hill Way:**

Ms. Byerley reviewed her memo dated November 19, 2012. This is a three (3) lot subdivision that was approved by the Planning Board in 2004, but is not yet under construction. One lot will have access off of Sunset Rock Road, and the other two lots will have access off of Cider Hill Way. The original plan called for the use of paver blocks for the roadway, but the new owner of the subdivision is requesting to use regular pavement. The original approval allowed for pavers or bituminous pavement. The applicant wanted to formally come before the Board to make the request to use pavement. DPW has issued a memo saying that pavement is acceptable and requested an updated operations and maintenance plan. Mr. Chiozzi asked if the finished grade of the road would be the same or if it would be lower than it would have been with the pavers. Bill MacLeod, of Andover Consultants, Inc., the engineer representing the applicant, stated that the finished grade of the road will be the same.

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board voted to determine that the request is a minor modification and approved the request to allow bituminous pavement and require the submission of an updated Operation and Maintenance Plan and Homeowner's Association documentation to include information requested in the DPW's memo dated November 27, 2012. **Vote:** Unanimous (4-0)

**Off County Road:**

Bill MacLeod, of Andover Consultants, Inc., the engineer representing the applicant, gave a description of Off County Road, a private unnamed way that services a small lot owned by the Pineaults and a larger piece of property owned by Carolina Properties. The applicant is proposing to improve the paper street with pavement that is 18ft wide with a T type turnaround at the end of the street. Once that street is in place, the large piece of land owned by Carolina Properties will be subdivided in to two lots. The Conservation Commission has reviewed the project and issued an order of conditions. The owners have a right to improve the road, but the applicant needs to come to the Planning Board to get permission to submit a Form A plan for the larger parcel to create a lot at the end of the private way. An IDR was held and issues were discussed with the Fire Department and Police Department. Engineering issued a memo with nine items that they would like complied with. The applicant is requesting two waivers. The

**Off County Road (cont'd)**

first waiver is for the right of way to be 30ft wide instead of the required 40 ft. The second is that the turnaround be encompassed in the right of way itself. A portion of the Carolina Properties property will be used as part of the turnaround through the use of an easement. Mr. Chiozzi asked if they are required to use a bulb turnaround at the end of the right of way. Mr. MacLeod responded that they are not required to use a bulb, but you cannot put any turnaround at the end because the right of way is only 30 ft wide. The Fire Department has expressed that are satisfied with the T turnaround because it will only service two buildable lots. Mr. Chiozzi questioned if the existing lot conforms to all dimensions. Mr. MacLeod answered that it is a grandfathered lot under Chapter 40A because it wasn't held in contiguous ownership at the time that zoning was enacted in Andover. The law calls for at least 50ft of frontage with 5,000 s.f. of area, and the lot 100 ft of frontage and 10,000 s.f. of area. Ms. Byerley informed the Board that it has not been determined by the Inspector of Buildings if that particular lot is grandfathered, and it is not up to the Planning Board to make that determination. The Board is to focus on the private right of way, and if they grant the waivers, then the applicant will be able to have an ANR endorsed to get the extra lot in the back. Mr. Chiozzi asked Ms. Byerley to find out if side and rear setbacks would still have to be met even if the lot is grandfathered. Attorney Mark Brobrowski, representing the applicant, informed the Board the Massachusetts General Law, Chapter 40A, Section 6, Paragraph 4 states that no increase shall apply to a lot that was in place when the zoning changed. Title searches have been performed on the lot that go back to 1937, and they are under the impression that no zoning was in place when the lot existed. Ms. Byerley informed the Board that an IDR was held and the Fire Department reviewed the turnaround area and asked the applicant to put some information together on how to prevent parking in the turnaround area. Also discussed at the IDR was the need for additional information on the maintenance of the private way, plowing and trash pickup. Mr. Chiozzi asked if there would be a Homeowner's Association, and Mr. MacLeod answered that there would be an HOA. Mr. Doherty asked how far the private way went and if it ended at the T turnaround. Mr. MacLeod answered that the pavement will end at the T turnaround, but the paper street itself continues and wraps around in a U shape. Mr. Chiozzi questioned why this was not being treated as a definitive subdivision. Mr. McCleod answered that it is not considered a definitive subdivision because a new way is not being created. Mr. Chiozzi asked if they will be disturbing more than one acre and if they will need to follow Stormwater Management guidelines. Mr. MacLeod answered that they are disturbing more than 1 acre, but they do not need to follow the regulations because there will be less than four lots. Ms. Byerley explained to the Board that in Massachusetts, if you have a piece of property where the frontage and area meet the zoning bylaw, and the property fronts on a road, you are entitled to an Approval Not Required which means you can split your lot or change your lot line. Andover has added restrictions on to a private way that include the 40 ft right of way and the turn around that this project does not meet. These are the only things that the Planning Board can make decisions on.

On a motion by Mr. Macaux seconded by Ms. Loder, the Board voted to continue the public meeting on Off County Road to December 11<sup>th</sup> at 8:30PM. **Vote:** Unanimous (4-0)

**24 Filter Bed Road:**

Bill Macleod, of Andover Consultants, Inc., the engineer representing the applicant, gave an overview of Filter Bed Road. The Town owns the road as a parcel of land, but certain abutters to

**24 Filter Bed Road (cont'd):**

the property still have access and rights to use Filter Bed Road. It is a 30ft wide right of way, so the applicant is requesting a waiver for the 40 ft right of way. A waiver is also requested to allow an easement as part of the T turnaround. The Fire Department has expressed concern that people would park in the turnaround at the end of the road due to its close proximity to the driveway of the proposed house. Mr. MacLeod plans to submit revised plans with the house flipped so there is a separate dedicated turnaround at the end of the street. A waiver has also been requested for stormwater detention because there is no where to place it. The Town Engineer has agreed to the placement of some drywell catch basins, so the waiver may not be necessary. Ms. Byerley brought up the hydrant location that was an issue at the interdepartmental review. Mr. MacLeod stated that the hydrant would be moved due to the reorientation of the driveway, and there are some other minor technical issues that will be dealt with on revised plans.

On a motion by Mr. Macaux seconded by Ms. Loder, the Board voted to continue the public meeting on 24 Filter Bed Road to December 11<sup>th</sup> at 8:35 p.m. **Vote:** Unanimous (4-0)

**Adjournment:** The meeting was adjourned at 9:02 p.m.